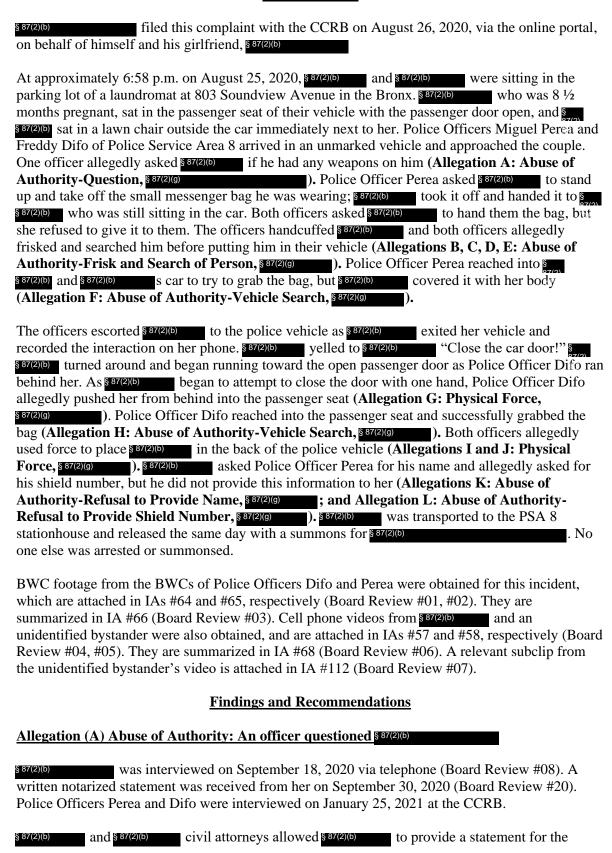
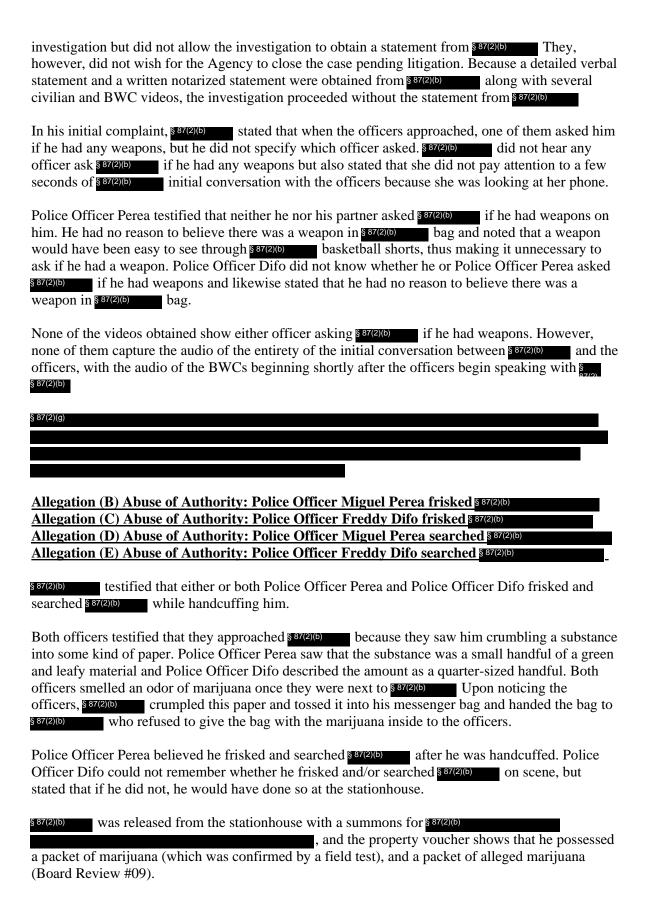
CCRB INVESTIGATIVE RECOMMENDATION

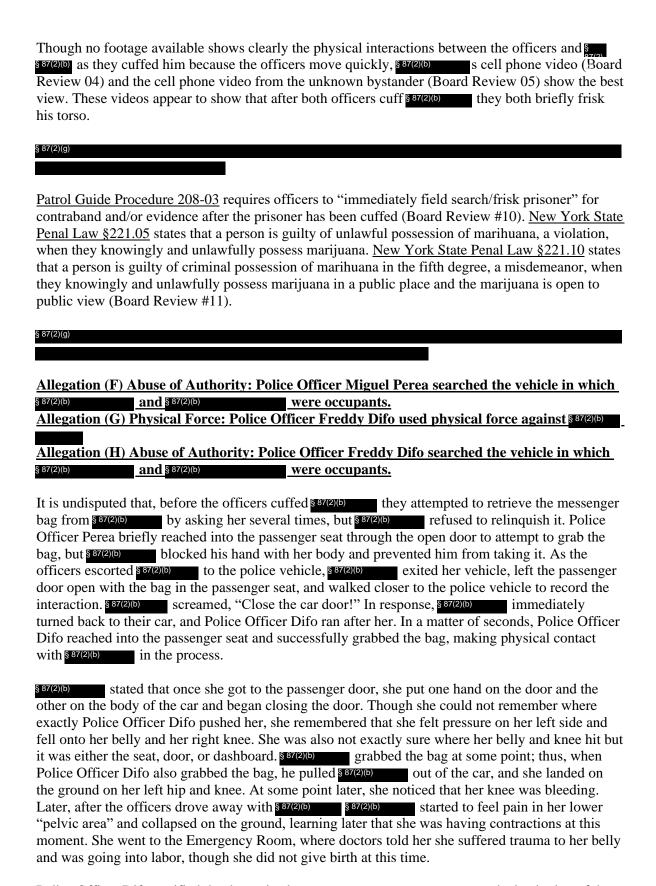
Investigator:		Team:	CCRB Case #:	\square	Force		Discourt.	U.S.
Esme Trontz		Squad #2	202005853		Abuse		O.L.	✓ Injury
Incident Date(s)		Location of Incident:		Pı	recinct:	18	Mo. SOL	EO SOL
Tuesday, 08/25/2020 6:58 PM		803 Soundview Avenu	ie		43	2.	/25/2022	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	e Rec	eived at CC	RB
Wed, 08/26/2020 9:21 AM		CCRB	On-line website		Wed, 08/2	26/202	20 9:21 AN	1
Complainant/Victim	Type	Home Addr	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Freddy Difo	08770	957544	PSA 8					
2. POM Miguel Perea	19829	962678	PSA 8					
3. An officer			PSA 8					
Officer(s)	Allegati	on			Inve	estiga	ator Recor	nmendation
A. An officer	Abuse: A	An officer questioned § 8	7(2)(b)					
B.POM Miguel Perea		Police Officer Miguel Pe						
C.POM Freddy Difo	Abuse: I	Police Officer Freddy D	ifo frisked ^{§ 87(2)(b)}					
D.POM Miguel Perea	Abuse: I	Police Officer Miguel Pe	erea searched § 87(2)(b)					
E.POM Freddy Difo	Abuse: I	Police Officer Freddy D	ifo searched § 87(2)(b)					
F.POM Miguel Perea	Abuse: I which see occupan		erea searched the veh were		in			
G.POM Freddy Difo	_	olice Officer Freddy Di	fo used physical forc	e				
H.POM Freddy Difo	Abuse: I which § 8 occupan				n			
I.POM Miguel Perea	Force: P	olice Officer Miguel Pe 87(2)(b)	rea used physical for	ce				
J.POM Freddy Difo	Force: P	olice Officer Freddy Di: 87(2)(b)	fo used physical forc	e				
K.POM Miguel Perea	Abuse: I name to	Police Officer Miguel Pe § 87(2)(b)	erea refused to provid	de his	S			
L.POM Miguel Perea	Abuse: I shield nu	Police Officer Miguel Pe umber to ^{§ 87(2)(b)}	erea refused to provid	de his	S			

Case Summary



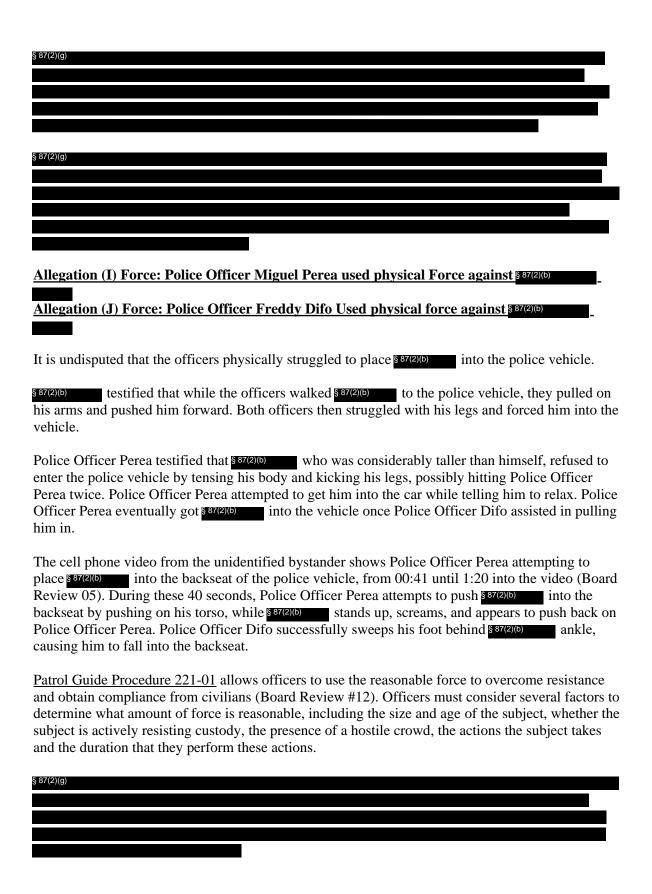
CCRB Case # 202005853

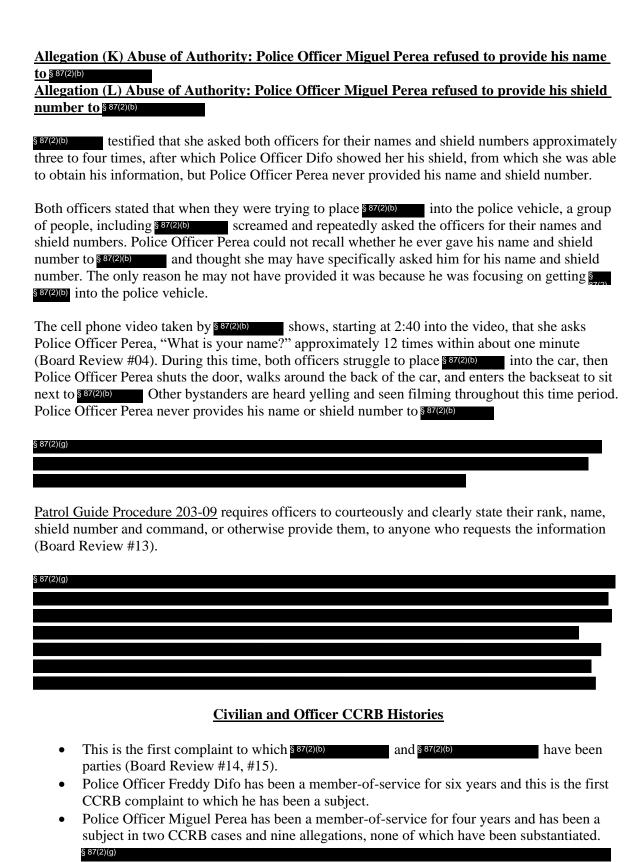




Police Officer Difo testified that he noticed \$87(2)(b) was very pregnant at the beginning of the

incident. Later, he ran toward crime. Once he arrived at the car, started trying to close the car door. He reached into the car with his right hand and started to grab the bag; at the same time, started trying was just behind him and slightly to the right. Police Officer Difo could not tell what started to grab the bag but "grabbed air" instead. Once he successfully grabbed the bag, Police Officer Difo turned his body so that his back was to started to grab the bag. At some point, his back made contact with the front of her body; he could not tell precisely where it touched, but this contact occurred when they were both standing. He could not tell whether this contact made either of them move in a specific way. Police Officer Difo saw on his BWC footage that after he grabbed the bag, started trying started trying started trying the incident. Police Officer Difo denied ever shoving or pushing started to grab the door, Police Officer Difo would have remained on-scene and called his sergeant or lieutenant to ask them what to do next.
The subclip of the cell phone video from the unidentified individual provides the clearest view of Police Officer Difo's contact with \$87(2)(b) which lasts only three to four seconds (Board Review #07). The camera follows Police Officer Difo as he runs quickly toward \$87(2)(b) s car; is seen reaching for the open passenger door of her car with her outstretched right arm and her torso bent forward in the doorway of the front passenger doorway. Police Officer Difo approaches the passenger seat by scaling the side of the vehicle on \$87(2)(b) s left side. As he continues to move to the right and forward into the passenger seat area, \$87(2)(b) is directly to his right, and his right hip strikes \$87(2)(b) in the back. \$87(2)(b) then appears to fall onto the floor of the passenger seat. Police Officer Difo exits the vehicle with the bag in hand, and \$87(2)(b) appears to fall forward onto her knees as she tries to grab the bag from him.
Patrol Guide Procedure 221-01 allows officers to use reasonable force to obtain compliance from civilians, and states that the primary duty of all members of service is to protect human life (Board Review #12). Officers must take into account several factors when evaluating the reasonableness of their force used, which include the nature and severity of the crime and/or circumstances, actions taken by the subject, the immediacy of the perceived threat to anyone, the size, age, and condition of the subject in comparison to the officer, and the presence of a hostile crowd.
New York v. Belton, 453 U.S. 454 [1981] states that an officer who has made a lawful custodial arrest of the occupant of an automobile may, as a contemporaneous incident of that arrest, search the passenger compartment of the automobile and examine the contents of any containers found within the passenger compartment, such as a bag, that the officer has probable cause to believe contains contraband or evidence that is at risk of being concealed or destroyed (Board Review #21).
§ 87(2)(g)





Mediation, Civil and Criminal Histories

• § 87(2)	declined to m	ediate this complaint.						
● § 87(2)	filed a Notice of Claim with the City of New York claiming emotional							
		ain and suffering, humiliation, emb	, ,					
tne 1 § 87(2)	•	ts and seeking \$1,000,000 as redre tice of Claim with the City of New	-					
		ain and suffering, humiliation, emb	<u>C</u>					
		ts and seeking \$1,000,000 as redre						
● [§ 87(2	(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]							
Squad No.:	2							
Investigator	: <u>Esme Trontz</u>	Inv. Esme Trontz	03/25/2021					
	Signature	Print Title & Name	Date					
Squad Leade	er: Alexander Opoku-Agye	mang IM Alexander Opoku-Agy	vemang 3/26/2021					
•	Signature	Print Title & Name	Date					
Reviewer:								
10,10,001.	Signature	Print Title & Name	Date					